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FACEBOOK, INC.

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

14 FACEBOOK, INC.,

Case No. 5:08-cv-05780 JW

15 Plaintiffs,

**FACEBOOK INC.'S MOTION FOR
ADMINISTRATIVE RELIEF TO
FILE UNDER SEAL, PURSUANT TO
CIVIL LOCAL RULE 79-5(c), THE
EXPERT REPORT OF RICHARD J.
OSTILLER AND PORTIONS OF
FACEBOOK'S SUPPLEMENTAL
BRIEF REGARDING DAMAGES
AND LIABILITY OF DEFENDANT
STEVE VACHANI.**

16 v.

17 POWER VENTURES, INC. a Cayman Island
Corporation.; STEVE VACHANI, an
18 individual; DOE 1, d/b/a POWER.COM,
DOES 2-25, inclusive,

19 Defendants.

20 Dept: Courtroom 9, 19th Floor
21 Judge: Honorable James Ware

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1 Pursuant to Civil Local Rule 79-5(c), Facebook, Inc. respectfully submits this Motion for
 2 Administrative Relief to File Under Seal: 1) portions of the Expert Report of Richard J. Ostiller
 3 (“Ostiller Report”) attached as Exhibit 25 to the Declaration of Monte Cooper in Support of
 4 Facebook’s Supplemental Brief Regarding Damages and Liability of Defendant Steve Vachani;
 5 and 2) the portions of Facebook’s Supplemental Brief Regarding Damages and Liability of
 6 Defendant Steve Vachani citing to the Ostiller Report. This Motion is accompanied by the
 7 Declaration of Morvarid Metanat in support of Facebook’s Administrative Motion to Seal
 8 (“Metanat Declaration”) as well as the attached Proposed Order.

9 Pursuant to the parties’ February 4, 2011 Protective Order (Dkt. No. 95), Facebook has
 10 designated as “Highly Confidential—Attorneys’ Eyes Only,” the entirety of the Declaration of
 11 Ryan McGeehan in Support of Facebook’s Motion for Partial Summary Judgment for Liability on
 12 Count 1 of the CAN-SPAM Act (“McGeehan Declaration”) and Exhibits attached thereto, and the
 13 Declaration of Joseph Cutler in Support of Facebook’s Motions for Partial Summary Judgment
 14 for Liability on Count 1 of the CAN-SPAM Act (“Cutler Declaration”) and Exhibits attached
 15 thereto. Pursuant to the Court’s November 28, 2011 Order (Dkt. No. 182), the McGeehan
 16 Declaration and relevant portions of the Cutler Declaration are under seal. The Ostiller report
 17 relies and references the McGeehan and Cutler Declarations. The Supplemental Brief makes
 18 reference to these portions of the Ostiller Brief. Accordingly, Facebook respectfully requests that
 19 portions of the Ostiller Report referencing and citing to the sealed portions of the McGeehan and
 20 Cutler Declarations, as well as portions of the Supplemental Brief, be sealed.

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22 Dated: March 30, 2012

ORRICK, HERRINGTON & SUTCLIFFE LLP

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/s/ *Morvarid Metanat* /s/
 MORVARID METANAT
 Attorneys for Plaintiff
 FACEBOOK, INC.

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